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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,645	08/25/2003	Christopher C. Brown	1009.13	2529
53953	7590	07/06/2007		
DAVIS LAW GROUP, P.C. 6836 BEE CAVES ROAD SUITE 220 AUSTIN, TX 78746			EXAMINER GREIMEL, JOCELYN	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,645	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This communication is in response to Applicant's submission of 06 June 2007. The following communication details additional prior art sources that were found as a result of the allowance conference and further searching.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda et al (US Patent No. 6,611,816 B2).** In reference to claim 1, Lebda discloses a system comprising a computing device for:

- a. receiving first information about a customer (col. 1-2);

- b. with first and second loan sources, determining and outputting second information enabling the first and second loan sources to determine whether to offer a loan to the customer for financing an item (col. 3-7);
  - c. from the first and second loan sources, receiving submissions of respective first and second offers for providing the loan to the customer for financing the item, wherein the first and second offers are submitted by the first and second loan sources in response to the second information and in a manner that commits to provide the loan if accepted by the customer (col. 3-7));
  - d. identifying at least one of the first and second offers as being most favorable (col. 5); and
  - e. to the customer, outputting third information about the identity of at least one of the loan sources that submitted the identified offer (col. 3-7).
5. In reference to claims 2-5, Lebda discloses: the first information including information about the item, wherein the second information includes the information about the item; wherein the item is an automobile; wherein the item is security for the loan; and wherein the financing is a refinancing (col. 1-7).
6. In reference to claims 6 and 7, Lebda discloses a system wherein the first and second offers are submitted by the first and second loan sources in a manner that commits to provide the loan if accepted by the customer, and if the second information is consistent with a review of the underlying evidence thereof (col. 1-7).

7. In reference to claim 8 and 9, Lebda discloses a system wherein the first information includes an identity of the customer, and wherein the computing device is for: to at least the first and second loan sources, outputting the second information yet withholding the customer's identity (col. 1-2; col. 3-7).

8. In reference to claim 10, Lebda discloses: a system wherein in response to the first information, determining fourth information regarding the customer's ability to repay the loan, wherein the second information includes the fourth information (col. 4-7).

In reference to claim 11, Lebda discloses a system wherein the computing device is for: in request to the first information, outputting at least one request to a credit bureau; from the credit bureau, receiving at least one reply to the request; and in response to the reply, determining the fourth information (col. 1-7).

9. In reference to claim 12, Tengel discloses a system wherein the fourth information includes a measure of certainty regarding the customer's ability to repay the loan (col. 10, lines 20-56).

10. In reference to claims 13-15, Lebda discloses a system wherein the computing device is for: in response to the first information, determining a measure of certainty regarding the customer's identity in comparison to the first information; to at least the

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first and second loan sources, outputting the second information about the customer only if the measure of certainty regarding the customer's identity is higher than a predetermined threshold; and in response to the first information, outputting at least one first request to a credit bureau, from the credit bureau, receiving at least one first reply to the first request, in response to the first reply, determining at least one second request, outputting the second request to the customer in order to authenticate the customer's identity in comparison to the first information, from the customer, receiving at least one second reply to the second request, and in response to the second reply, determining the measure of certainty regarding the customer's identity in comparison to the first information (col. 1-2; col. 3-7).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**13. Claims 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda, as applied to the claims above, and further in view of Cunningham (US Patent No. 6,014,645).** In reference to claim 16, Lebda discloses: receiving first information about a customer, wherein the first information includes an identity of the customer (col. 2-7) in response to the first information, determining second information regarding the customer's ability to repay the loan (col. 2-7); to at least one source, outputting third information enabling the loan source to determine whether to offer the loan to the customer for financing an item, wherein the third information includes at least a portion of the first information and the second information (col. 2-7); from the loan source, receiving a submission of an offer for providing the loan to the customer for financing the item, wherein the offer is submitted by the loan source in response to the third information and in a manner that commits to provide the loan if accepted by the customer (col. 1-7); and to the customer, outputting fourth information about the offer, wherein the fourth information includes an identity of the loan source (col. 2-3; col. 4-7).

**14.** However, Lebda does not disclose wherein: outputting third information enabling the loan source to determine whether to offer the loan to the customer for financing an item, wherein the third information includes at least a portion of the first information and the second information *yet withholding the customer's identity*. However, Cunningham discloses:

- f.** outputting third information enabling the loan source to determine whether to offer the loan to the customer for financing an item, wherein the third

information includes at least a portion of the first information and the second information *yet withholding the customer's identity* (col. 2-6+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the loan system of Lebda to include "outputting third information enabling the loan source to determine whether to offer the loan to the customer for financing an item, wherein the third information includes at least a portion of the first information and the second information *yet withholding the customer's identity*" of Cunningham because it provides additional security for the customer making the system more user friendly. Additionally, claims 17-28 are similar to claims 2-15 detailed above and are evaluated as discussed in the evaluation of claims 2-15 surpa.

### ***Conclusion***

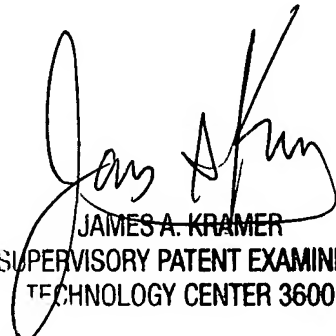
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached at (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
June 25, 2007

 6/25/07  
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